

Entered - 05-21-01 - sb  
CL 01L0325 - GWENDOLYN BURNS

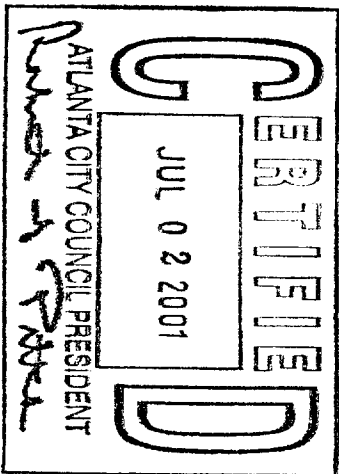
CLAIM OF:


SUE L. SMITH  
1559 Brewer Boulevard, SW  
Atlanta, Georgia 30310

01- *R* -0946

For property damages alleged to have been sustained when police stepped through a bathroom ceiling while responding to a burglar alarm on February 22, 2000 at 1559 Brewer Boulevard, SW.

THIS ADVERSED REPORT IS  
APPROVED



BY:   
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL JUL 02 2001

## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 7/12/01

CHAIR: C. T. & M. H.

William J. Dwyer

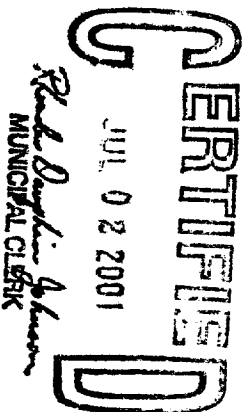
John A. Hester

Edith

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\_\_\_\_\_





**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

July 2, 2001

Sue L. Smith  
1559 Brewer Boulevard, S W  
Atlanta, Georgia 30310

**01-R-0946**

Dear Ms. Smith:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 2, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0325

Date: June 15, 2001

Claimant /Victim SUE L. SMITH  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 1559 Brewer Boulevard, SW, Atlanta, Georgia 30310  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 600.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 5/10/01 Method: Written, Proper \_\_\_\_\_ Improper X  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ Ante Litem (6 Mo.) \_\_\_\_\_  
Date of Occurrence 2/22/00 Place: 1559 Brewer Boulevard, SW  
Department POLICE Division \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that her bathroom ceiling was damaged during the course of the police responding to a burglar alarm. However, the claim as presented does not comply with the same requirements of notice as set forth in O.C.G.A. Section 36-33-5(b). The six month statute of limitation expired prior to receipt of the claim.

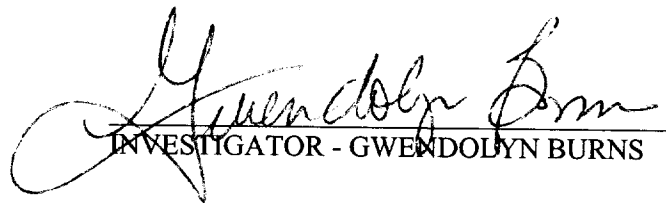
### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

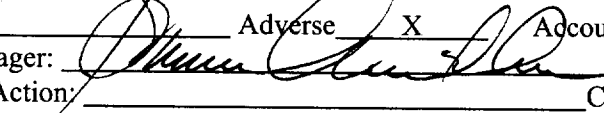
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months X Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 06-15-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 5-5-01

BURNS  
05/17/01  
Du

Dear Municipal Clerk:

ENTERED - 5-21-01 - SB  
01L0325 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 600.00 <sup>\$2000.00</sup> property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 2-22-00  
(month/day/year)

2. Police called: ☒ Yes ☐ No

3. Location of incident: 1559 Brewer Blvd S.W. Atlanta, GA. 30310

4. Name of your insurance company: TAURUS INS Policy No. \_\_\_\_\_

5. State what and how incident occurred: Police Answering Burglar alarm Stepped Through Ceiling of Bathroom. we are sending two estimates.

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

- The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(make) (year) (tag number) (driver's name)

City vehicle: \_\_\_\_\_  
(make) (City driver's name) (department/bureau)

7. Witness: \_\_\_\_\_  
(name) (address) (telephone number)

- The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employees).

- This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Sue L. Smith  
(claimant's name)

1559 Brewer Blvd S.W  
(address)

Atlanta, GA 30310  
(city and state)

01- R -0946

404-758-4500x102  
(work number)

404-753-3858  
(home number)

RCS# 2964  
7/02/01  
2:13 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF ITEMS  
ADOPTED/ADVERSED ON  
CONSENT AGENDA

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0819

CONSENT

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**07/02/01 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0869
2. 01-O-0965
3. 01-O-0969
4. 01-O-0977
5. 01-O-0857
6. 01-O-0911
7. 01-O-0968
8. 01-O-0920
9. 00-R-1625
10. 01-R-0929
11. 01-R-0931
12. 01-R-0932
13. 01-R-0989
14. 01-R-0993
15. 01-R-0957
16. 01-R-0926
17. 01-R-0982
18. 01-R-0923
19. 01-R-0956
20. 01-R-0963
21. 01-R-0975
22. 01-R-1001
23. 01-R-0933
24. 01-R-0934
25. 01-R-0935

**ITEMS ADVERSED  
ON CONSENT AGENDA**

26. 01-R-0936
  27. 01-R-0937
  28. 01-R-0938
  29. 01-R-0939
  30. 01-R-0940
  31. 01-R-0941
  32. 01-R-0942
  33. 01-R-0943
  34. 01-R-0944
  35. 01-R-0945
  36. 01-R-0946
  37. 01-R-0947
  38. 01-R-0948
  39. 01-R-0949
  40. 01-R-0950
  41. 01-R-0951
  42. 01-R-0952
  43. 01-R-0953
  44. 01-R-0954
  45. 01-R-0955
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